

COASTAL CONSERVANCY

Staff Recommendation
October 5, 2006

CHANNEL ISLANDS DERELICT FISHING GEAR REMOVAL

File No. 05-040
Project Manager: Tim Corrigan

RECOMMENDED ACTION: Authorization to disburse an additional \$45,000 to the SeaDoc Society of the University of California for removal of derelict fishing gear in Channel Islands National Marine Sanctuary.

LOCATION: Waters within the Channel Islands National Marine Sanctuary and Channel Islands National Park, including the Channel Islands Marine Reserves network, in Ventura and Santa Barbara Counties.

PROGRAM CATEGORY: Integrated Coastal and Marine Resource Protection

EXHIBITS

- Exhibit 1: Project Location Map
 - Exhibit 2: Initial Study and Mitigated Negative Declaration
 - Exhibit 3: Mitigation and Monitoring Program
 - Exhibit 4: June 5, 2005 Staff Recommendation
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RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Section 31220 of the Public Resources Code:

“The State Coastal Conservancy hereby adopts the Initial Study and Mitigated Negative Declaration for the Channel Islands Derelict Fishing Gear Removal Project and the associated Mitigation and Monitoring Program, attached to the accompanying staff recommendation as Exhibits 2 and 3, respectively, and authorizes the disbursement of an amount not to exceed forty five thousand dollars (\$45,000) to the Regents of the University of California, Davis Campus, Wildlife Heath Center, SeaDoc Society (“SeaDoc Society”) for the removal of derelict fishing gear in Channel Islands National Marine Sanctuary and Channel Islands National Park, including work already undertaken, subject to the following conditions:

1. Prior to disbursement of Conservancy funds, the SeaDoc Society shall submit for the review and written approval of the Executive Officer of the Conservancy:
 - a. A detailed work program, schedule, and budget.
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- b. The names and qualifications of any contractors to be employed in carrying out the project.
 - c. Evidence that all necessary permits and/or approvals have been obtained.
 - d. Evidence that all other funds necessary to complete the project have been obtained.
2. At the conclusion of the project, the SeaDoc Society shall provide to the Conservancy a written report documenting the implementation of all mitigation measures required in the Mitigated Negative Declaration for the project as well as a monitoring report indicating the success of the mitigation measures, in accordance with Public Resources Code Section 21081.6.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 5.5 of the Public Resources Code (Section 31220), regarding the Conservancy’s authority to protect and restore marine resources;
2. The Conservancy has reviewed the Initial Study and proposed Mitigated Negative Declaration for the Channel Islands Derelict Fishing Gear Removal Project, attached to the accompanying staff recommendation as Exhibit 2, and finds that the project, as mitigated, avoids, reduces or mitigates the possible significant environmental effects to a level of insignificance, and that there is no substantial evidence that the project will have a significant effect on the environment, as defined in 14 Cal. Code of Regulations Section 15382;
3. The proposed project is consistent with the Conservancy’s Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001;
4. There is no evidence before the Conservancy that the Channel Islands Derelict Fishing Gear Removal Project will have a potentially adverse effect, either individually or cumulatively, on wildlife resources as defined under California Fish and Game Code Section 711.2.”

PROJECT SUMMARY:

This project is a continuation of the California Derelict Fishing Gear Pilot Project approved by the Conservancy on June 16, 2005. Staff and the SeaDoc Society have identified the Channel Islands National Marine Sanctuary as an area suitable for additional derelict fishing gear removal. This area is intensively fished and areas suitable for gear removal have already been identified. Derelict fishing gear is defined as lost or abandoned fishing nets, lines, pots, and other commercial and recreational fishing gear that sits on the seafloor; gets caught on rocky reefs, or floats in the water column. The majority of this gear does not decompose in seawater and can remain in the marine environment for years. Derelict gear impacts the marine environment in several ways: it can continue to "catch" marine animals, which become enmeshed or trapped; it can damage the habitat upon which it becomes entangled or upon which it rests; it can pose an underwater hazard for boaters, entangling boat propellers and anchors; and it can similarly endanger humans, especially divers. It is also a visual blight on the seafloor, diminishing the natural aesthetic quality of the seafloor and rocky reef habitat.

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Staff recommends authorization to disburse an additional \$45,000 to the SeaDoc Society of the University of California for the removal of derelict fishing gear in Channel Islands National Marine Sanctuary and Channel Islands National Park, including from the Channel Islands Marine Reserves network. Gear that has already been located, and will be located this year, around San Miguel, Santa Rosa, Anacapa and Santa Cruz Islands, will be removed. The SeaDoc Society has already commenced derelict fishing gear removal operations in Channel Islands National Marine Sanctuary (as of September 4, 2006) in order to take advantage of optimal ocean conditions for field work (good underwater visibility, calm seas) and to complete a significant amount of work prior to the start of the commercial lobster fishing season in early October. Removing gear prior to the start of the 2006/2007 lobster season improves conditions for fishermen (removal of derelict gear that hinders deployment of traps) and will also allow the SeaDoc Society to gauge accumulation rates over the course of a single fishing season (cleaned up areas will be resurveyed in Spring 2007).

The California Derelict Fishing Gear Removal Program encourages ocean users to report the presence of derelict gear. Gear is also located via purposeful surveys using sidescan sonar, ROVs, by SCUBA diver surveys, and via opportunistic sighting and reporting of derelict gear by commercial or sport divers, fisherman, boaters, port authorities, resource managers, enforcement officers, surfers, and others who encounter derelict gear in the marine environment. A toll-free hotline (1-888-491-GEAR) and website (www.derelictfishinggear.org) are established for this purpose. Once gear is located, divers are then deployed to remove gear, primarily from shallow (<100 ft), water in a safe and environmentally sensitive manner.

The citizens of California – in particular, those who utilize the coastal ocean for boating, fishing and diving – will benefit from this project through the increased safety provided by removal of underwater hazards. Individual fishermen will benefit from any gear that is returned to them. As well, non-fishing industries (e.g. the U.S. military, telecommunications companies) will benefit from the removal of gear that entangles equipment and structures or prevents its placement underwater. The state resource agencies, Channel Islands National Marine Sanctuary, and Channel Islands National Park will benefit by having reduced the loss of commercially and recreationally valuable marine organisms from state and federal waters, and through the provision of a higher level of protection for threatened and endangered species. Ultimately, it is the living marine resources and unique underwater habitats of the northern Channel Islands that will benefit from the removal of derelict gear that injures and kills animals or enshrouds and damages habitat.

Site Description: All derelict gear removal activities will occur in Channel Islands National Marine Sanctuary and Channel Islands National Park, including from the Channel Islands Marine Reserves network, in Ventura and Santa Barbara counties. (See Exhibit 1). Gear removal will be conducted out to depths of 100 feet. Dive teams will be comprised of a minimum of three individuals: a diver working on removal of the gear, a support diver standing off the gear to be ready to assist the working diver if entanglement occurs, one dive supervisor, and a boat skipper (the supervisor and skipper can be the same individual). The underwater team will work upcurrent from the derelict gear, so that when it is separated it will tend to float up and away from the divers rather than towards them.

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Project History: The Conservancy approved the California Derelict Fishing Gear Removal Project in June 16, 2005 in conjunction with an Initial Study and Mitigated Negative Declaration. During the pilot year study, the program conducted derelict gear location operations utilizing sidescan sonar in Monterey County (from Elkhorn Slough to Point Lobos); San Luis Obispo County (Morro Bay area); and Los Angeles County (around Santa Catalina Island). Also during the pilot year, the program conducted 10 days of derelict fishing gear removal operations off Santa Catalina Island, removing 220 pieces of gear, including numerous lobster traps, some of which were in good enough condition to return to fisherman.

In the pilot year, both anecdotal and quantitative assessments of the amount of derelict fishing gear elsewhere in California marine waters was also quantified, especially within the Channel Islands National Marine Sanctuary (CINMS) and Channel Islands National Park (CINP).

There, in approximately 100 linear km of ROV survey transects conducted in Sept/Oct 2005 off Anacapa, Santa Cruz, San Miguel and Santa Rosa Islands, biologists observed 40 pieces of derelict fishing gear (lines, traps, nets). Based on these figures, the proposed Grantee conservatively estimates a derelict gear density within the CINMS/CINP of approximately 80 pieces/km. The Sanctuary is concerned about the potential impact of this gear on marine life and underwater habitats, and has authorized its removal (CINMS Permit No. 2006-002).

The Channel Islands Derelict Fishing Gear project will extend the work done in Los Angeles County, California in May 2005 by removing fishing gear in the Channel Islands National Marine Sanctuary, including within the Channel Islands Marine Reserves Network, in 2006/2007.

PROJECT FINANCING:

Coastal Conservancy	\$345,000*
Laurel Foundation	20,000
NFWF/NOAA	58,325**
NOAA (Marine Debris Program)	<u>55,000</u>
Total Project Cost	\$458,345

**Conservancy project costs include prior \$300,000 project authorization.*

***This constitutes new funding for the Channel Islands component of the project.*

The expected source of Conservancy funds is the “California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Fund” (Proposition 40). Allowable uses of these funds include acquisition, restoration, and protection of land and water resources in accordance with the Conservancy’s enabling legislation. As discussed below, the project is consistent with the Conservancy enabling legislation. The proposed project will help protect fish and wildlife habitat within coastal and marine waters by removing derelict gear that traps and kills wildlife and damages critical habitat. Proposition 40 requires the Conservancy to give priority to projects with matching funds (Public Resources Code Section 5096.651). The proposed project is supported by committed matching funds.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project will be undertaken pursuant to Chapter 5.5 of Division 21 of the Public Resources Code, which allows the Conservancy to carry out projects that protect and/or restore marine habitat and water quality. Under Section 31220 of the Public Resources Code, the Conservancy may undertake projects that meet any of the objectives specified in subsection (b) of that section. Consistent with Section 31220(b), the proposed project will (1) help protect fish and wildlife habitat within coastal and marine waters by removing derelict gear that traps and kills wildlife and damages critical habitat; (2) reduce threats to coastal and marine fish by removing underwater hazards; and (3) provide for monitoring and mapping of marine habitats and wildlife in order to facilitate the gear removal program. Data generated from this program will not only be shared with interested parties, but the appropriate agencies will be alerted to any problems affecting resource or human health that are identified during operation. Consistent with Section 31220(a), the Conservancy has consulted with the State Water Resources Control Board in the development of this project to ensure consistency with Chapter 3 (commencing with Section 30915) of Division 20.4 of the Public Resources Code. The Department of Fish and Game has also been consulted in developing this project, and will remain an active partner. As required by Section 31220(c), the project will include an evaluation component through the preparation and submittal of a year-end report by the SeaDoc Society on the activities, accomplishments, and future goals of the larger California Derelict Fishing Gear Removal Project. As also required by Section 31220(c), the project is consistent with state and regional watershed planning as described below under "Consistency with Local Watershed Management Plan/State Water Quality Control Plan."

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 6 Objective B**, the proposed project will benefit coastal marine resources by restoring underwater habitats to their natural state by removing synthetic materials that threaten the life of endangered species and other living marine organisms.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The project is supported by local legislators, research institutions, non-governmental organizations, and federal and state government agencies as evidenced by the letters of support provided in the prior staff recommendation support the project.

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4. **Location:** The proposed project would be located in the nearshore waters off Ventura and Santa Barbara counties, out to depths of 100 feet.
5. **Need:** Derelict gear left in the marine environment can continue to "catch" marine animals, including endangered species, and/or damage the habitat upon which they rely for survival. Derelict gear can also become an underwater hazard for boaters, entangling boat propellers and anchors, or can endanger humans, especially recreational and commercial divers.
6. **Greater-than-local interest:** The citizens of California and the many tourists who visit the California coast to recreate (e.g. divers, boaters, and surfers) will benefit from this project through the increased safety provided by the removal of underwater hazards. Commercial and recreational fishers will benefit through the potential repatriation of lost gear. Non-fishing industries (e.g. the U.S. military, telecommunications companies) will benefit from the removal of gear that entangles equipment and structures or prevents its placement underwater, and state resources agencies will benefit by having a program that reduces the loss of commercially and recreationally valuable marine organisms from state waters, provides a higher level of protection for threatened and endangered species, and provides more information on critical coastal habitats.

Additional Criteria

7. **Urgency:** Derelict gear has been identified and mapped in the Channel Islands National Marine Sanctuary and Channel Islands Marine Reserve network. This gear may continue to "fish" passively even though abandoned. Removal of this gear increases the security and recovery of many of California's marine species in a sensitive habitat. Without the support of the Conservancy, this project will not occur.
8. **Readiness:** The Channel Islands National Marine Sanctuary and Department of Fish and Game have collected information on derelict gear as part of their monitoring of the reserves network. The Sanctuary very quickly issued permits so that we could take advantage of optimal ocean conditions for removing gear.
9. **Cooperation:** The SeaDoc Society has formed strong relationships with gear removal programs in other states, and has already coordinated closely with the Department of Fish and Game, the California Coastal Commission, the Channel Islands and National Marine Sanctuaries, and many other agencies with management responsibilities in the marine environment.

CONSISTENCY WITH THE COASTAL ACT:

Article 4 of Chapter 3 of the Coastal Act (Public Resources Code Sections 30230-30237) sets forth policies for the marine environment. Section 30230 provides: "Marine resources shall be maintained, enhanced, and where feasible, restored.... Use of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes." The Channel Islands Derelict Fishing Gear Removal Project will help sustain fish and wildlife utilizing nearshore habitats by removing derelict gear that continues to trap and kill. Mapping and data exchange will also improve our understanding of critical nearshore habitats, upon which many threatened or endangered species rely. Removing derelict gear will also result in safer diving conditions for

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boaters, surfers, and commercial and recreational divers. Section 30231 states: “The biological productivity of coastal waters...appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored...” The goal of the proposed project is to improve marine ecosystems impacted by derelict fishing gear, improve our knowledge of nearshore habitats, and provide scientific data that will help maintain the biological productivity of our nearshore waters, which is the source of food and other life-sustaining products for the human population of the coast and elsewhere.

CONSISTENCY WITH LOCAL WATERSHED MANAGEMENT PLAN/ STATE WATER QUALITY CONTROL PLAN:

The inherent intent of local coastal watershed management plans is to prevent water quality degradation and to protect the beneficial uses of coastal waters. Water quality control plans adopted by the State Water Resources Control Board are designed to focus resources on key issues, promote the use of sound science, and promulgate cooperative, collaborative efforts in coastal areas to protect and enhance coastal waters. As a collaborative program that includes coastal waters of California, the SeaDoc Society’s Channel Islands Derelict Fishing Gear Removal Project will remove marine debris and contribute to the scientific information pool that supports the development of water quality standards in coastal areas. The proposed project is consistent with the policies of the 2001 California Ocean Plan that states “the beneficial uses of the ocean waters of the State that shall be protected include...water contact and non-contact recreation; aesthetic enjoyment;...commercial and sport fishing; ...preservation and enhancement of designated Areas of Special Biological Significance (ASBS); rare and endangered species; marine habitat; (and) fish migration...”.

COMPLIANCE WITH CEQA:

Staff has prepared an Initial Study and Mitigated Negative Declaration (MND) for the Channel Islands Derelict Fishing Gear Removal Project (Exhibit 2). The MND discusses potential environmental impacts of the project activities. Key areas considered include impacts to biological resources and hydrology/water quality. In all circumstances, potential impacts identified were minor and temporary, and mitigation measures were designed to ensure that potential disturbances will result in less than significant impacts and will provide for improved marine habitat that will benefit fish and wildlife. A summary of the mitigation measures and monitoring program is attached as Exhibit 3.

The MND identified potential impacts to biological resources caused either directly by the presence and activity of divers or indirectly through habitat modification during gear removal. However, the project was redesigned to avoid, reduce and mitigate these impacts such that there is no evidence that the project, as designed, will have a potential impact to biological resources. The project will not have a substantial adverse effect because project activities are designed to improve marine habitat by eliminating an underwater hazard that could kill or trap fish and wildlife. Project implementation avoids short-term adverse impacts through mitigation measures such as constraining the permissible work window to avoid nesting or breeding seasons of birds, cetaceans, pinnipeds, or any threatened or endangered species; prohibiting any vessel or diver to come within 100 yards of any visible cetaceans, pinnipeds, sea otter, or threatened or endangered birds (50 yards for sea turtles); prohibiting gear removal activities within 500 yards of the entrances to spawning rivers during salmonid spawning season; prohibiting gear removal from

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within 10 yards of a white abalone; or leaving/modifying gear in place if removing it will cause significant damage to the environment. If the gear removal team encounters an injured marine mammal, the appropriate marine wildlife rehabilitators will be notified and the animal transported to their facility. The SeaDoc Society will get approval from the appropriate state and federal agencies prior to project implementation in each coastal region to assure that, as envisioned, project impacts have been eliminated or minimized.

Mitigation measures incorporated into the project also reduce, avoid or mitigate potential impacts to hydrology/water quality. Removal efforts that could disturb sediment will not occur in areas of known contamination to avoid the suspension of contaminants in the water column. If removal of the gear has been identified as a high priority because of known damage or hazard posed by the gear, then the gear removal team will meet with the appropriate regulatory agencies to determine the best methods for removal. Also, any derelict gear brought on board a project vessel will be hosed down with seawater at the site of retrieval to avoid any impacts from sediment at the docking facility. Any increased turbidity at the removal site will be temporary and insignificant.

Mitigation measures incorporated into the project also reduce, avoid or mitigate potential impacts to air quality, transportation, noise, and utilities and service systems. Project activities will not take place on poor air quality days to avoid impacts from vessel operation; efforts will be made to deliver gear to local landfills during non-peak traffic hours; noise ordinances will be complied with so as to not violate rules regarding noise production in nearshore communities; efforts will be made to repatriate and/or recycle gear so as not to unnecessarily impact landfills; and prior to project implementation, all project divers will be trained in safety protocol, methods for removal that prevent damage to habitats and impacts to biota, and how to disentangle and/or detach live animals and vegetation from the gear before transferring the gear to the surface for loading onto a vessel.

Staff circulated for public and agency review and comments the Proposed Negative Declaration on July 24, 2006. Notice of the Proposed Negative Declaration was published in the Santa Barbara News Press on August 2, 2006 and published in the Ventura County Star, Thousand Oaks Star, Oxnard Star, Simi Valley Star, Moorpark Star, and the Camarillo Star on July 26, 2006. The public comment period ended on August 22, 2006. No public comment opposing the determination was received. Staff recommends that the Conservancy find that the MND has identified the possible significant environmental impacts from the Channel Islands Derelict Fishing Gear Removal Project and there is substantial evidence that changes or alterations have been incorporated into the project to avoid, reduce, or mitigate these potential impacts to a level of insignificance. Staff also recommends that the Conservancy adopt the mitigation and monitoring program contained in Exhibit 3.

Based on these findings and determinations, staff therefore recommends that the Conservancy approve the Negative Declaration attached as Exhibit 2. Upon approval, staff will file a Notice of Determination for the MND.